

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

OCEAN SERVICES, LLC, a Washington
limited liability company,

Plaintiff,

v.

OMNI2MAX, INC., a California corporation,

Defendant.

CASE NO. 2:22-cv-01058-JHC

ORDER

Before the Court is Plaintiff Ocean Services, LLC's motion for reconsideration (Dkt. # 36), to which Defendant Omni2Max, Inc. responded in opposition (Dkt. # 37). In the motion, Ocean Services seeks clarification on two issues:

- (1) Whether the Court's order (Dkt. #35) incorporating the MSC contract into the BIMCO charter, precludes "a finding that the terms of the BIMCO are immaterial to this dispute as urged by Omni2Max." Dkt. # 36 at 2.
- (2) Whether the Court's statement that Ocean Services drafted "most of the MSC contract," *see* Dkt. # 35 at 14, is a factual finding that cannot be challenged at trial. Dkt. # 36 at 2–3.

1 Construing Ocean Services' motion as a motion for clarification, which does not require
2 the application of the LCR 7(h) standard, the Court issues the responses below:

3 (1) The Court directs the parties to review the following language of its previous order:

4 "To the extent there is a conflict between the terms of [the BIMCO charter and the
5 MSC Contract], the Court does not make any determinations as to which terms and
6 conditions should control." Dkt. # 35 at 15. In accordance with this statement, the
7 Court does not issue any findings on whether the BIMCO charter terms are material
8 or immaterial to the parties' dispute.

9 (2) On page 14 of its order (Dkt. # 35), the Court wrote that Ocean Services drafted

10 "most of the MSC contract." After review of the briefing and pertinent portions of
11 the record, *see* Dkt. #25-22 at 26–28; Dkt. # 25-24 at 3, the Court AMENDS the
12 sentence at issue to read: "with Ocean Services drafting both the BIMCO charter and
13 most of the proposal to the MSC solicitation." *See* Dkt. # 35 at 14. The Court will
14 issue an amended order reflecting this change.

15 Dated this 11th day of December, 2023.

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17 John H. Chun
18 United States District Judge
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